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Interim Executive Secretary

ARIZONA CORPORATION COMMISSION

June 18, 2003

The Honorable John McCain, Chairman
U.S. Senate Committee on Commerce, Science & Transportation
508 Dirksen Senate Office Building
Washington, D.C. 20510-6125

RE: Local Number Portability (LNP) Implementation

Dear Mr. Chairman:

The Arizona Corporation Commission ("ACC") urges you to oppose any legislative measure to *further* delay implementation of wireless-to-wireless and inter-modal local number portability ("LNP") by November 24, 2003, as required by Federal Communications Commission ("FCC") rules.

On June 6, 2003, the U.S. Court of Appeals for the District of Columbia dismissed the wireless industry's petition for review challenging the FCC's authority to require the industry to provide wireless LNP. The Court also denied the petition for review with respect to the FCC's decision not to grant the wireless industry permanent forbearance from the FCC's number portability rules.¹ In so doing, the Court effectively upheld the FCC's rules mandating that industry provide LNP by November 24, 2003.

In the wake of the Court's decision, the ACC understands that the wireless industry, led by its trade association (the Cellular Telecommunications Industry Association), is pressing for an amendment to unrelated legislation or an appropriations rider that in either case would delay LNP implementation beyond the November 24, 2003, deadline.

The ACC urges you to oppose any such measure, which may be offered in the Senate Committee on Commerce, Science & Transportation during the mark-up that is scheduled for Thursday, June 19, 2003, or perhaps later during this session.

Wireless LNP will allow consumers to keep their phone numbers when changing wireless carriers or when changing between wireline and wireless carriers, making it easier for customers to take their business elsewhere when they are dissatisfied with the quality of the service offered by their current provider. The end result will be increased competition and greater customer satisfaction. As the Court of Appeals said, "... it is obvious that any regulation that frees

¹ See Cellular Telecommunications & Internet Association and Celco Partnership, D/B/A Verizon Wireless v. FCC, No. 02-1264, 2003 WL21293569 (D.C. Cir. June 6, 2003).

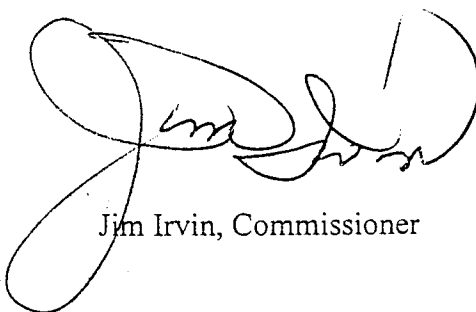
consumers from staying with carriers with whom they are dissatisfied affords [consumers] protection.”

Since a deadline for providing LNP was first set by FCC order in 1997, the wireless industry has successfully petitioned the FCC for four postponements. In effect, the industry has had well over six years to provide wireless LNP. The ACC believes that any further delay in the implementation of wireless LNP will be to the clear detriment of Arizona’s consumers, and urges you to oppose any measure that may be offered to effect such a delay.

Sincerely,



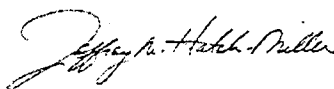
Marc Spitzer, Chairman



Jim Irvin, Commissioner



William A. Mundell, Commissioner



Jeff Hatch-Miller, Commissioner



Mike Gleason, Commissioner

c: The Honorable Jon Kyl